

REMARKS

Applicants, by the amendments presented above and the arguments presented below, have made a concerted effort to present claims which clearly define over the prior art of record, and thus to place this case in condition for allowance. Claims 2-25 and 27-75 are currently pending. Claims 1 and 26 have been cancelled. Claims 67-75 have been withdrawn.

Claim Objections

The Examiner objected to claims 38 and 39 because of informalities in the claims. Applicants have amended claim 38 to specify that claim 38 is dependent on “claim 27”. Applicants have amended claim 39 to specify that claim 39 is dependent on “claim 38”. Applicants state that such amendments to claims 38 and 39 overcomes the informalities objections made by the Examiner and, respectfully requests reconsideration and allowance of claims 38 and 39.

Claim Rejections - 35 U.S.C. §102

Claims 1, 2, 22-27, 33-36, 47 and 65 were rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 6,710,328 to Mastro et al. (hereinafter “Mastro”).

Applicants have cancelled claims 1 and 26 herein and, therefore, this rejection is moot with regard to claims 1 and 26.

Applicants have amended claim 2 into independent form to include all of the limitations of now cancelled claim 1. Applicants state that Mastro does not disclose or suggest each and every limitation of claim 2. More specifically, claim 2 requires that the

stress-luminescent material be provided on a side surface of the optical waveguide; Mastro does not disclose or suggest such a limitation converse to the Examiner's assertion that support therefor can be found at Fig. 7, and column 8, lines 23-36.

Rather, Mastro states at column 7, lines 15 to 27, that a "key aspect of inventive practice" is that the fiber optic line which is associated with the structure be disposed *in the vicinity of* one or more triboluminescent elements or, in other words, must be *positioned sufficiently near* a triboluminescent element to permit a sufficient amount of luminescence-generated light to pass through its light-permeable axial exterior and reach its axial interior in a sufficient amount or to a sufficient degree that its optical fiber(s) transmit an appreciable amount of degree or light indicative of the luminescence-generated light. Thus, Mastro does not disclose or even suggest that the stress-luminescent material be provided on a side surface of the optical waveguide. Further support for this argument can be found at least at column 9, lines 3 to 37.

Applicants, therefore, respectfully request reconsideration and allowance of claim 2.

Claims 22-25 have been amended to be dependent from claim 2 rather than claim 1.

As Applicants state that claim 2 is in condition for allowance, Applicants respectfully request reconsideration and allowance of claims 22-25.

Applicants have amended claim 27 into independent form to include all of the limitations of now cancelled claim 26. Applicants state that Mastro does not disclose or suggest each and every limitation of claim 27. More specifically, claim 27 requires that the stress-luminescent material be provided on a side surface of the optical waveguide body; Mastro does not disclose or suggest such a limitation converse to the Examiner's assertion that support therefor can be found at Fig. 7, and column 8, lines 23-36.

Rather, Mastro states at column 7, lines 15 to 27, that a "key aspect of inventive

practice” is that the fiber optic line which is associated with the structure be disposed *in the vicinity of* one or more triboluminescent elements or, in other words, must be *positioned sufficiently near* a triboluminescent element to permit a sufficient amount of luminescence-generated light to pass through its light-permeable axial exterior and reach its axial interior in a sufficient amount or to a sufficient degree that its optical fiber(s) transmit an appreciable amount of degree or light indicative of the luminescence-generated light. Thus, Mastro does not disclose or even suggest that the stress-luminescent material be provided on a side surface of the optical waveguide body. Further support for this argument can be found at least at column 9, lines 3 to 37.

Applicants, therefore, respectfully request reconsideration and allowance of claim 27.

Claims 33-36 and 47 have been amended to be dependent from claim 27 rather than claim 26. As Applicants state that claim 27 is in condition for allowance, Applicants respectfully request reconsideration and allowance of claims 33-36 and 47. Claim 65 is dependent on claim 49 which has been amended to be dependent from claim 27 rather than claim 26. As Applicants state that claim 27 is in condition for allowance, Applicants respectfully request reconsideration and allowance of claim 65.

Claims 3-13, 16, 17 and 28 were rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5,991,479 to Kleinerman.

Applicants have amended claim 3 into independent form to include all of the limitations of now cancelled claim 1. Applicants state that Kleinerman does not disclose or suggest each and every limitation of claim 3. More specifically, claim 3 requires that the luminescent material provided in a clad of the optical fiber be a stress-luminescent material; Kleinerman does not disclose or suggest such a limitation converse to the Examiner’s

assertion.

Rather, Kleinerman states at column 8, lines 38 to 46, that a “luminescent material or a Raman scattering material” be incorporated into the cladding. Kleinerman, though, does not appear to disclose or suggest that the luminescent material incorporated into the cladding be a *stress*-luminescent material. Thus, Kleinerman does not disclose or even suggest that the luminescent material provided in a clad of the optical fiber be a *stress*-luminescent material.

Applicants, therefore, respectfully request reconsideration and allowance of claim 3.

Applicants respectfully traverse the rejection of independent claims 4, 6, 8, 10, 12 and 16. Applicants state that Kleinerman does not disclose or suggest each and every limitation of claims 4, 6, 8, 10, 12 and 16. More specifically, claims 4, 6, 8, 10, 12 and 16 requires that the intersection portion has a stress luminescent material; Kleinerman does not disclose or suggest such a limitation converse to the Examiner’s assertion.

Rather, Kleinerman states at column 8, lines 38 to 46, that a “luminescent material or a Raman scattering material” be incorporated into the cladding. Kleinerman, though, does not appear to disclose or suggest that the luminescent material incorporated into the cladding be a *stress*-luminescent material. Thus, Kleinerman does not disclose or even suggest that the luminescent material provided in a clad of the optical fiber be a *stress*-luminescent material.

Applicants, therefore, respectfully request reconsideration and allowance of claims 4, 6, 8, 10, 12 and 16.

As claim 5 is dependent on independent claim 4, and because Applicants state that independent claim 4 is in condition for allowance, Applicants respectfully request reconsideration and allowance of claim 5.

As claim 7 is dependent on independent claim 6, and because Applicants state that independent claim 6 is in condition for allowance, Applicants respectfully request

reconsideration and allowance of claim 7.

As claim 9 is dependent on independent claim 8, and because Applicants state that independent claim 8 is in condition for allowance, Applicants respectfully request reconsideration and allowance of claim 9.

As claim 11 is dependent on independent claim 10, and because Applicants state that independent claim 10 is in condition for allowance, Applicants respectfully request reconsideration and allowance of claim 11.

As claim 13 is dependent on independent claim 12, and because Applicants state that independent claim 12 is in condition for allowance, Applicants respectfully request reconsideration and allowance of claim 13.

As claim 17 is dependent on independent claim 16, and because Applicants state that independent claim 16 is in condition for allowance, Applicants respectfully request reconsideration and allowance of claim 17.

Applicants have amended claim 28 into independent form to include all of the limitations of now cancelled claim 26. Applicants state that Kleinerman does not disclose or suggest each and every limitation of claim 28. More specifically, claim 28 requires that the luminescent material provided in a clad of the optical fiber be a stress-luminescent material; Kleinerman does not disclose or suggest such a limitation converse to the Examiner's assertion.

Rather, Kleinerman states at column 8, lines 38 to 46, that a "luminescent material or a Raman scattering material" be incorporated into the cladding. Kleinerman, though, does not appear to disclose or suggest that the luminescent material incorporated into the cladding be a *stress*-luminescent material. Thus, Kleinerman does not disclose or even suggest that the luminescent material provided in a clad of the optical fiber be a *stress*-luminescent material.

Applicants, therefore, respectfully request reconsideration and allowance of claim 28.

Claim 14 was rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5,962,967 to Kiryushev et al. (hereinafter "Kiryushev").

Applicants respectfully traverse the rejection of independent claim 14. Applicants state that Kiryushev does not disclose or suggest each and every limitation of claim 14. More specifically, claim 14 requires that the intersection portion has a stress luminescent material; Kiryushev does not disclose or suggest such a limitation converse to the Examiner's assertion.

Rather, Kiryushev states at column 2, lines 48 to 61, that an electroluminescent device is provided which has first and second sets of fibers where at least one of the fibers include a longitudinal coat of at least one light emitting substance being in intimate contact with a conductive element of the electroluminescent device. The at least one light emitting substance is selected such that on applying an electric field between crossing conductive elements, radiation is emitted from the light emitting substance. Kiryushev thus does not appear to disclose or suggest any type of luminescent material therein and, even if it does, the luminescent material does not appear to be a stress-luminescent material as is defined in Applicant's application. Thus, Kiryushev does not disclose or even suggest having an intersection portion having a stress-luminescent material.

Applicants, therefore, respectfully request reconsideration and allowance of claim 14.

Claim Rejections - 35 U.S.C. §103

Claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5,962,967 to Kiryushev.

As claim 15 is dependent on independent claim 14, and because Applicants state that independent claim 14 is in condition for allowance, Applicants respectfully request reconsideration and allowance of claim 15.

Claims 18, 19, 29 and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6,710,328 to Mastro in view of United States Patent No. 6,159,394 to Akiyama.

Claims 18 and 19 have been amended to be dependent from claim 2 rather than claim 1. As Applicants state that claim 2 is in condition for allowance, Applicants respectfully request reconsideration and allowance of claims 18 and 19.

Claims 29 and 30 have been amended to be dependent from claim 27 rather than claim 26. As Applicants state that claim 27 is in condition for allowance, Applicants respectfully request reconsideration and allowance of claims 29 and 30.

Claims 20, 21, 31, 32, 37-39, 41, 42, 44, 46, 49-58, 60, 62 and 64 were rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6,710,328 to Mastro in view of United States Patent Publication No. 2001/0017059 to Xu et al. (hereinafter "Xu").

Claims 20 and 21 have been amended to be dependent from claim 2 rather than claim 1. As Applicants state that claim 2 is in condition for allowance, Applicants respectfully request reconsideration and allowance of claims 20 and 21.

Claims 31, 32, 37, 38, 41, 42, 44, 46 and 49 have been amended to be dependent from

claim 27 rather than claim 26. As Applicants state that claim 27 is in condition for allowance, Applicants respectfully request reconsideration and allowance of claims 31, 32, 37, 38, 41, 42, 44, 46 and 49.

As claim 39 is dependent from claim 38, and because Applicants state that claim 38 is in condition for allowance, Applicants respectfully request reconsideration and allowance of claim 39.

As claims 50-53, 55-58, 62 and 64 are all ultimately dependent from claim 49, and because Applicants state that claim 49 is in condition for allowance, Applicants respectfully request reconsideration and allowance of claims 50-53, 55-58, 62 and 64.

Further with regard to claim 55, it does not appear to Applicants upon a reading of paragraph [0081] of Xu that there is support for the Examiner's statement that the elastic material is inorganic glass.

Claims 40 and 59 were rejected under 35 U.S.C 103(a) as being unpatentable over United States Patent No. 6,710,328 to Mastro in view of United States Patent No. 6,117,574 to Watanabe et al. (hereinafter "Watanabe").

Claim 40 has been amended to be dependent from claim 27 rather than claim 26. As Applicants state that claim 27 is in condition for allowance, Applicants respectfully request reconsideration and allowance of claim 40.

As claim 59 is dependent from claim 49, and because Applicants state that claim 49 is in condition for allowance, Applicants respectfully request reconsideration and allowance of claim 59.

Further, with regard to each of claims 40 and 59, it appears to Applicants that while Watanabe discloses that a stress-luminescent material may be doped with manganese, that

Watanabe does not disclose or suggest that a stress-luminescent may be doped with titanium.

Claims 43 and 61 were rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6,710,328 to Mastro.

Claim 43 has been amended to be dependent from claim 27 rather than claim 26. As Applicants state that claim 27 is in condition for allowance, Applicants respectfully request reconsideration and allowance of claim 43.

As claim 61 is dependent from claim 49, and because Applicants state that claim 49 is in condition for allowance, Applicants respectfully request reconsideration and allowance of claim 61.

Claims 45, 48 and 63 were rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6,710,328 to Mastro in view of United States Patent Publication No. 2001/0054857 to Qiu et al. (hereinafter "Qiu").

Claims 45 and 48 have been amended to be dependent from claim 27 rather than claim 26. As Applicants state that claim 27 is in condition for allowance, Applicants respectfully request reconsideration and allowance of claims 45 and 48.

As claim 63 is dependent from claim 49, and because Applicants state that claim 49 is in condition for allowance, Applicants respectfully request reconsideration and allowance of claim 63.

Claim 66 was rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6,710,328 to Mastro in view of United States Patent Publication No.

2001/0017059 to Xu, as applied to claim 50 hereinabove, and further in view of United States Patent Publication No. 2001/0054857 to Qiu.

As claim 66 is ultimately dependent from claim 49, and because Applicants state that claim 49 is in condition for allowance, Applicants respectfully request reconsideration and allowance of claim 66.

In view of the above Amendments and Remarks, Applicants respectfully submit that the claims of the application are allowable over the rejections of the Examiner. Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

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Respectfully submitted,

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